

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/17/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MADELYN TAMAREZ,	:	
	:	
Plaintiff,	:	1:21-cv-10678-GHW
	:	
-against -	:	<u>ORDER</u>
	:	
KATHLEEN HOCHUL, <i>Governor of New</i>	:	
<i>York, et al.,</i>	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, United States District Judge:

On June 30, 2023, Magistrate Judge Cave issued a Report and Recommendation (“R&R”) recommending that the Court grant, with prejudice, two motions to dismiss filed by the two sets of Defendants in this case. Dkt. No. 66 at 2. In that R&R, Magistrate Judge Cave determined that the motions to dismiss should be granted because Plaintiff did not have standing to bring the claims asserted in the complaint, *see id.* at 13, and that even if Plaintiff had standing, her claims were otherwise moot or not plausibly pleaded. *Id.* at 15–25.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).


No objection to the R&R was submitted within the fourteen-day window. The Court has reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.”). The Court, therefore, accepts and adopts the R&R in its entirety. For the reasons articulated in the R&R, the motions to dismiss are granted.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to mail a copy of this order to Plaintiff, to enter judgment for Defendants, and to close this case.

SO ORDERED.

Dated: July 17, 2023
New York, New York



GREGORY H. WOODS
United States District Judge